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December 16, 2015

**VIA ELECTRONIC FILING AND ELECTRONIC MAIL**

The Honorable Analisa N. Torres  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: APP Investment Opportunity LLC v. U.S. Bank National Association, 1:15-cv-06666

Dear Judge Torres:

We represent the Plaintiff in the above-captioned matter. With the consent of defense counsel, we are writing to request an extension of time to file our dispositive motion by five (5) days. This would extend Plaintiff's filing deadline from December 18, 2015 to December 23, 2015, extend Defendant's response deadline from January 15, 2016 to January 20, 2016, and extend Plaintiff's reply deadline from February 5, 2016 to February 10, 2016.<sup>1</sup>

While Plaintiff's counsel initially believed that its dispositive motion could take the form of a Motion for Judgment on the Pleadings, pursuant to Rule 12(c), there are highly relevant, core documents referenced in the pleadings that were not attached to the pleadings. In an abundance of caution, and in order to provide the Court with the complete materials necessary to make its well-informed ruling, Plaintiff now intends to seek the Court's permission to file its dispositive motion as a Motion for Summary Judgment, pursuant to Rule 56. Plaintiff requests the additional five (5) days, with the consent of defense counsel, to meet the Court's procedural requirements for seeking permission to file a Motion for Summary Judgment.

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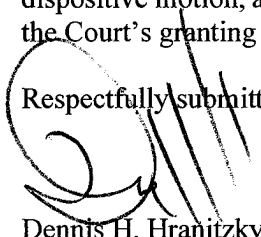
<sup>1</sup> The Court's Order dated November 18, 2015 contains the original filing dates and references the Defendant as being the party filing the dispositive motion. (Dkt. No. 16). However, the intention expressed by the parties is and was that Plaintiff will be filing the motion and Defendant will be the responding party.

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The Honorable Analisa N. Torres  
December 16, 2015  
Page 2

This is Plaintiff's first request for an extension of time with respect to Plaintiff's proposed dispositive motion, and no deadlines other than those referred to in this letter will be affected by the Court's granting of Plaintiff's request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis H. Hranitzky", is written over the closing "Respectfully submitted,".

Dennis H. Hranitzky

cc: All Counsel (By ECF)